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19STCV41546

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

MARIA ELENA DE LA TORRE, an individual; RICARDO CABALLERO, an individual; YESENIA CABALLERO, an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 19STCV41546

COMPLAINT FOR ABATEMENT AND INJUNCTION

[PENAL CODE SECTION 11200, *ET SEQ.*; HEALTH & SAFETY CODE SECTION 11570, *ET SEQ.*; CIVIL CODE SECTION 3479, *ET SEQ.*; BUS. & PROF. CODE SECTION 17200, *ET SEQ.*]

[Unlimited Action]

I. INTRODUCTION

1. Plaintiff, The People of the State of California, brings this action to abate an illicit and dangerous public nuisance involving illegal sales of alcohol, narcotics, and extreme violence at a single-family residence located at 7025 Lindley Avenue, Reseda, California 91335 (hereinafter the "Property"), just 400 feet away from an elementary school. Defendants RICARDO CABALLERO and YESENIA CABALLERO own the Property and, upon information and belief, lease the Property to defendant MARIA ELENA DE LA TORRE. Defendant DE LA TORRE uses the Property to operate an illegal, late-night bar offering alcohol, narcotics, and gambling, and where violent acts including a murder, battery, and a sexual assault have occurred. Plaintiff brings this action pursuant to: (1) the Unlawful Liquor Sale Abatement Law ("ULSAL"), California Penal Code section 11200, *et seq.*; (2) the Narcotics Abatement Law ("NAL"), Health & Safety Code section 11570, *et seq.*; (3) the Public Nuisance Law ("PNL"), California Civil Code section 3479, *et seq.*; and (4) the Unfair Competition Law ("UCL"), California Business and Professions Code section 17200, *et seq.*

2. In the City of Los Angeles, criminal enterprises are known to operate sophisticated networks of underground bars and nightclubs out of residential homes. These establishments, sometimes referred to as "casitas," typically offer access to alcohol, narcotics, gambling, and prostitution. Often, these establishments are connected to criminal street gangs who operate these illegal businesses to generate revenue for the gang. Unsurprisingly, these establishments attract high levels of violence that put customers and the surrounding community at risk.

3. Based upon evidence obtained by law enforcement, Plaintiff alleges defendant MARIA ELENA DE LA TORRE operates a late-night underground bar, or "casita," at the Property. The make-shift bar is open seven nights a week, until the early-morning hours, selling alcohol without a license and offering access to narcotics and gambling. The bar is a popular spot for local street gang members and has been the site of extreme violence.

4. Most recently, DE LA TORRE's bar has been the site of a gang-related shooting and homicide, a battery, and a sexual assault. On June 2, 2019, at approximately 3:00 AM, a

documented Bryant Street gang member patronizing the establishment got into an altercation with another patron. The Bryant Street gang member and his friends chased the customer into an alley behind the Property and began beating him. The Bryant Street gang member then pulled out a gun and shot the customer multiple times, killing the customer, and then fled the scene.

5. In or about June 2019, the Los Angeles Police Department ("LAPD") investigated a sexual assault at the Property. The victim was held at the Property against his or her will and sexually assaulted, and ultimately transported to a local hospital for medical treatment.

6. In or about July 2019, LAPD received a complaint from the community about illegal alcohol sales occurring at the Property. LAPD forwarded the complaint to the state agency that oversees alcohol sales, the California Department of Alcoholic Beverage Control ("ABC").

7. On July 18, 2019, ABC conducted an undercover operation at the Property. At approximately 11:15 PM, undercover agents walked into the front door and asked if the location was open. A woman, later identified as defendant MARIA ELENA DE LA TORRE, stated the location was indeed "open for business." Upon entering the residence, agents heard music and voices coming from the rear of the Property and observed DE LA TORRE in the kitchen area participating in a cash card game with customers. The agents introduced themselves to DE LA TORRE and asked what there was to drink. DE LA TORRE stated "beer," and called over a woman named "Juana" to take the agents' orders. The agents purchased two bottles of beer from "Juana" and were charged $12. Throughout the night, officers observed "Juana" acting as a waitress for the business, charging customers and delivering drinks. During the operation, agents also purchased cocaine from a manager of the business named "Drew." Later that evening, agents were invited into a cash card game by another employee named "Diana." Agents participated in the game with "Diana" and others before leaving the location at approximately 12:30 AM.

8. On August 9, 2019, ABC agents conducted a second undercover operation at the Property. Agents observed much of the same activity that they observed during their first

operation: illegal alcohol sales and gambling. Agents observed a woman named "Griselda" with a lockbox full of cash acting as a cashier for the gamblers. In addition, agents observed lines of methamphetamine set up on a table that several customers were consuming. Throughout the night, agents purchased alcohol, participated in gambling, and observed open drug use at the location.

9. On August 23, 2019, ABC agents conducted a third undercover operation at the Property. As in their prior operations, agents were able to purchase alcohol and participate in gambling at the location.

10. On September 6, 2019, ABC agents conducted a fourth undercover operation and then executed a search warrant at the Property. When undercover agents approached the Property, they observed individuals standing outside acting as lookouts. Agents entered the residence, purchased alcohol, and took seats at the gambling table. Later that night, a back-up team of ABC agents and LAPD officers arrived and executed a search warrant at the Property. Agents found several individuals in possession of narcotics at the Property and cited DE LA TORRE for unlawfully selling alcohol without a license.

11. During the course of ABC's investigation, agents recognized DE LA TORRE as the same individual who previously operated a "casita" at a different residence in Northridge. From late 2017 through early 2018, ABC investigated the Northridge location and executed a search warrant there. At the conclusion of their investigation into the Northridge location, ABC agents cited DE LA TORRE for, among other things, unlawful sales of alcohol without a license, permitting illegal gambling on the premises, and illegal possession of a gaming device (slot machine).

12. The incidents described above reflect only the documented activity at the Property. As is typically the case, there are almost certainly additional incidents that have gone unreported.

13. Due to the illicit and violent activity at the Property, immediate and substantial action is necessary to abate this dangerous public nuisance and protect the health and safety of the surrounding community. The intent of this nuisance abatement prosecution is to compel

such action as is necessary to bring the entirely unacceptable state of affairs at the Property to a swift and permanent halt and hold those responsible for the nuisance accountable.

II. THE PARTIES AND THE PROPERTY

A. Plaintiff

14. Plaintiff, the People, is the sovereign power of the State of California, authorized in California Code of Civil Procedure section 731 to bring actions to abate public nuisances. Plaintiff is authorized to bring actions under the ULSAL by California Penal Code section 11201. Plaintiff is authorized to bring actions under the NAL by Health & Safety Code section 11571. In addition, because the City of Los Angeles has a population in excess of 750,000, California Business and Professions Code section 17204 authorizes Plaintiff to prosecute actions for relief under California Business and Professions Code section 17200, *et seq.*

B. Defendants

15. Defendant MARIA ELENA DE LA TORRE, an individual, operates the illegal bar business located at the Property. Upon information and belief, DE LA TORRE leases the Property from Defendants RICARDO CABALLERO and YESENIA CABALLERO. DE LA TORRE previously operated an illegal bar from a home in Northridge, where she was cited for, among other things, selling alcohol without a license, permitting illegal gambling on premises, and unlawful possession of a gaming device (slot machine). As a result, a criminal case was filed against DE LA TORRE for these offenses (Case No. 8SV03456). As part of a plea agreement in that case, DE LA TORRE was placed on 36 months summary probation with the following conditions: DE LA TORRE was not to (1) sell alcoholic beverages without a license or (2) operate a gambling or prostitution house. In addition, DE LA TORRE was ordered to appear on September 17, 2019 for a fines and fees hearing. On September 17, 2019, DE LA TORRE failed to appear in court and a bench warrant in the amount of $26,000 was issued.

16. Defendants RICARDO CABALLERO, an individual, and YESENIA CABALLERO, an individual, are a married couple that have owned the Property since at least 2013. RICARDO and YESENIA CABALLERO operate Caballero Income Tax and Notary Services, Inc., registered with the California Secretary of State on April 22, 2019. Upon information and

belief, RICARDO and YESENIA CABALLERO lease the Property to defendant DE LA TORRE. RICARDO and YESENIA CABALLERO also own three other properties, including: (1) 7029 Lindley Ave, Reseda, CA 91335 (which is directly next door to the Property); (2) 17644 Community St., Northridge, CA 91325 (the address listed with the California Secretary of State for Caballero Income Tax and Notary Services, Inc.); and (3) 13080 Dronefield Avenue, Unit 74, Sylmar, CA 91342.

17. The true names and capacities of defendants sued herein as DOES 1 through 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious names. When the true names and capacities of said defendants have been ascertained, Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of such fictitious names the true names and capacities of said fictitiously named defendants.

C. The Property

18. The Property is a single-family family residence located at 7025 Lindley Avenue, Reseda, California 91335. The legal description of the Property is as follows: "LOT 60 OF TRACT NO. 15006, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 324, PAGES 7 AND 8 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY." The Property's Assessor Parcel Number ("APN") is: 2125-035-016.

19. The Property is situated in residential community, surrounded by other single-family homes, and is approximately 400 feet away from Bertrand Avenue Elementary School.

III. THE UNLAWFUL SALE OF LIQUOR ABATEMENT LAW

20. The abatement of a nuisance is a long established and well-recognized exercise of the state's police power. (*People v. Barbiere* (1917) 33 Cal.App. 770, 775; *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Under the ULSAL (Pen. Code, § 11200, *et seq.*), every building used for the purpose of unlawful alcohol sales, and every building where unlawful alcohol sales occur, is a nuisance. (Pen. Code, § 11200, stating "[e]very building or place used for the purpose of unlawfully selling, serving or giving away any spirituous, vinous, malt or other alcoholic liquor, and every building or place in or upon which

such liquors are unlawfully sold, served or given away, is a nuisance which shall be enjoined, abated and prevented, whether it is a public or private nuisance.")

21. When there is reason to believe that a nuisance under ULSAL exists, the ULSAL authorizes a city attorney to prosecute a civil enforcement action to abate the nuisance. (Pen. Code, § 11201, stating "[w]henever there is reason to believe that a nuisance as defined in this article is kept, maintained or exists in any county, the district attorney, in the name of the people of the State of California, shall, or the city attorney of an incorporated city, or any citizen of the state resident within the county, in his or her own name may, maintain an action in equity to abate and prevent the nuisance and to perpetually enjoin the person or persons conducting or maintaining it, and the owner, lessee or agent of the building, or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting it.")

22. Once the existence of a nuisance is established under ULSAL, "an order of abatement *shall* be entered as part of the judgment in the case, and plaintiff's costs in such action are a lien upon the building and place, enforceable and collectible by execution issued by order of the court." (Pen. Code, § 11204) (emphasis added).

IV. THE NARCOTICS NUISANCE LAW

23. Since its enactment in 1972, the principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified in this division . . . ." (Health & Saf. Code, § 11570).

24. The NAL provides that every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog *inter alia*, "is a nuisance which *shall* be enjoined, abated, and prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

25. Health and Safety Code section 11571 authorizes a city attorney to bring an action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:

"[w]henever there is reason to believe that a nuisance as described in Section 11570 is kept, maintained, or exists in any county, the district attorney of the county, or the city attorney of any incorporated city or of any city and county, in the name of the people, may . . . maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists from directly or indirectly maintaining or permitting the nuisance."

26. Health and Safety Code section 11573(a) provides that: "[i]f the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge *shall* allow a temporary restraining order or injunction to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In addition, Health and Safety Code section 11581 provides, as an additional remedy, for the removal and sale of all fixtures and movable property on the premises used in aiding or abetting the nuisance and for the closure of the building for up to one year.

V. THE PUBLIC NUISANCE LAW

27. Civil Code section 3479 defines a nuisance as "[a]nything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property . . . ." (*Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general terms the word 'nuisance' in Civil Code section 3479"].)

28. Civil Code section 3480 defines a public nuisance as "one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

29. The case law is "replete with examples" of "the threat violent street gangs and associated illicit drug dealing pose to the safety of peaceful Californians . . . ." (*Castaneda v. Olsher* (2007) 41 Cal.4th 1205, 1216.) The California Supreme Court has explicitly recognized that "[s]treet gang activity can often subject residents . . . to unacceptable levels of fear and risk." (*Ibid.*) In *Medina v. Hillshore Partners* (1995) 40 Cal.App.4th 477, 486, involving a

wrongful death claim by the mother of a young man shot by gang members at an apartment complex, the court said, "We agree that the congregation of gangs poses a foreseeable risk of harm to the public." In particular, the whole spectrum of typical street gang conduct, ranging from loitering, to public drinking and boisterousness, to drug dealing, to gunfire, has been held to "easily meet the statutory standard" for a public nuisance under the PNL. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.) Any party that owns or otherwise controls property has an "indisputable duty to take reasonable steps to maintain its premises in a reasonably safe condition." (*Birke v. Oakwood Worldwide* (2009) 169 Cal.App.4th 1540, 1552.) The fact that a defendant's conduct consists of omission rather than affirmative action "does not preclude nuisance liability." (*Id.*)

30. Under Civil Code section 3491, "The remedies against a public nuisance are: 1. Indictment or information; 2. A civil action; or, 3. Abatement." "An abatement of a nuisance is accomplished by a court of equity by means of an injunction proper and suitable to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

31. Code of Civil Procedure section 731 authorizes a city attorney to bring an action to enjoin or abate a public nuisance. It provides, in pertinent part, "[a] civil action may be brought in the name of the people of the State of California to abate a public nuisance . . . by the city attorney of any town or city in which the nuisance exists." (*Ibid.*)

VI. UNFAIR COMPETITION LAW

32. The UCL (Bus. & Prof. Code, section 17200 *et seq.*) forbids any business practices otherwise forbidden by law, be it criminal, federal, state, municipal, statutory, regulatory, or court-made. As the California Supreme Court has explained, the UCL " 'borrows' violations of other laws and treats them as unlawful practices independently actionable under section 17200 et seq." ' (*Hewlett v. Squaw Valley Ski Corp.* [(1997)] 54 Cal. App. 4th [499,] 531-532, citing *Saunders v. Superior Court* [(1994)] 27 Cal. App. 4th [832,] 838-839[.])" (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880.)

33. As proscribed by the UCL, "[a]n 'unlawful business activity' includes ' "anything that can properly be called a business practice and that at the same time is forbidden by law." '

[Citation.]" (*People v. McKale* (1979) 25 Cal.3d 626, 632.)

34. The UCL casts a broad net. "Any person who engages, has engaged, or proposes to engage in unfair competition may be enjoined in any court of competent jurisdiction." (Bus. & Prof. Code, § 17203.) The term person includes "natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons." (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200's net beyond direct liability to include common law doctrines of secondary liability where the liability of each defendant is predicated on his or her personal participation in the unlawful practices. (*People v. Toomey* (1984) 157 Cal.App.3d 1, 14-15.)

35. Civil actions under the UCL may be brought in the name of the People of the State of California by any city attorney of a city having a population in excess of 750,000 (Bus. & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to section 17200 based on violations of its own municipal code, state law, or other local ordinance. (See *People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

36. Parties engaging in violations of the UCL may be enjoined in any court of competent jurisdiction. (Bus. & Prof. Code, § 17203.) A court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person of any practice constituting unfair competition. (*Ibid.*)

VII. FIRST CAUSE OF ACTION FOR VIOLATION OF ULSAL

[Penal Code Section 11200, *et seq.* –

Against All Defendants]

37. Plaintiff incorporates by reference Paragraphs 1 through 36 of this Complaint and makes them part of this First Cause of Action as though fully set forth herein.

38. This action is brought and prosecuted for the purpose of enjoining, abating, and preventing a nuisance, as defined in California Penal Code section 11200, *et seq.*, which exists at the Property.

39. Defendant DE LA TORRE does not have a license to sell alcohol in the State of

California.

40. Nevertheless, DE LA TORRE operates an illegal bar at the Property, selling alcohol without a license.

41. On multiple occasions between July and September 2019, undercover ABC agents purchased alcohol at the Property and observed other customers purchase alcohol at the Property on each occasion.

42. On September 6, 2019, ABC agents executed a search warrant at the Property and cited DE LA TORRE for selling alcoholic beverages without a license at the Property.

43. As a result of regular sales of alcohol without a license at the Property, the Property is a nuisance per se under the ULSAL, and must therefore be abated under the statute.

44. Defendant DE LA TORRE has violated the ULSAL by conducting and maintaining a per se nuisance, namely the unlawful sales of alcohol, at the Property. As the owners of the Property upon which the per se nuisance exists, defendants RICARDO and YESENIA CABALLERO have also violated the ULSAL by directly or indirectly maintaining or permitting the nuisance.

45. Plaintiff has no plain, speedy, and adequate remedy at law, and unless defendants are restrained and enjoined by order of this Court, the defendants will continue to conduct, maintain, and/or permit, directly or indirectly, the use of the Property, together with the fixtures and appurtenances located therein, for the nuisance complained of herein, to the great and irreparable damage of the public and in violation of California law.

VIII. SECOND CAUSE OF ACTION FOR VIOLATION OF NAL

[Health and Safety Code Section 11570, *et seq.* – Against All Defendants]

46. Plaintiff hereby incorporates by reference paragraphs 1 through 45 of this complaint and makes them part of the Second Cause of Action, as if fully set forth herein.

47. On at least one occasion, undercover ABC agents purchased cocaine from an apparent manager of the casita.

48. On multiple occasions between July and September 2019, undercover ABC agents observed open use of narcotics at the casita, including cocaine and methamphetamine.

49. On September 9, 2019, ABC agents executed a search warrant at the Property and found several individuals in possession of methamphetamine and methamphetamine paraphernalia.

50. The Property has been, and to continues to be, used for the purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving away controlled substances in violation of Health and Safety Code section 11570, *et seq.*

51. Defendant DE LA TORRE has violated the NAL by conducting and maintaining a per se nuisance, namely the unlawful selling, serving, storing, or keeping of controlled substances, at the Property. As the owners of the Property upon which this per se nuisance exists, defendants RICARDO and YESENIA CABALLERO have also violated the NAL by directly or indirectly maintaining or permitting the nuisance.

52. Plaintiff has no plain, speedy, and adequate remedy at law, and unless defendants are restrained and enjoined by order of this Court, the defendants will continue to conduct, maintain, and/or permit, directly or indirectly, the use of the Property, together with the fixtures and appurtenances located therein, for the nuisance complained of herein, to the great and irreparable damage of the public and in violation of California law.

IX. THIRD CAUSE OF ACTION FOR PUBLIC NUISANCE

[Civil Code section 3479, *et seq.* --

Against All Defendants]

53. Plaintiff incorporates by reference Paragraphs 1 through 52 of this Complaint and makes them part of this Third Cause of Action as though fully set forth herein.

54. Defendants have owned, operated, managed, used, and directly or indirectly permitted to be occupied and used, the Property in such a manner as to constitute a public nuisance in accordance with Civil Code sections 3479 and 3480. The public nuisance, as described herein, is injurious to health, indecent or offensive to the senses, and/or an obstruction to the free use of property, so as to substantially and unreasonably interfere with

the comfortable enjoyment of life or property by those persons living on the Property and in the surrounding community. The public nuisance consists of, but is not limited to: (1) violent activity on the Property, including a gun homicide and battery; (2) a sexual assault at the Property; (3) illegal alcohol sales; and (4) sale and use of illegal narcotics.

55. Defendants have caused or failed to prevent or abate the ongoing nuisance at the Property, and as result have caused and/or contributed to a serious threat to the general health, safety, and welfare of persons in the surrounding area.

56. Unless defendants are restrained and enjoined by order of this Court, they will continue to use, occupy, and maintain, and to aid, abet, or permit, directly or indirectly, the use, occupation, and maintenance of the Property, together with the fixtures and appurtenances located therein, for the purpose complained of herein, to the great and irreparable damage of Plaintiff and in violation of California law.

X. FOURTH CAUSE OF ACTION FOR UNFAIR COMPETITION

[Business and Professions Code section 17200, *et seq.* -- Against All Defendants]

57. Plaintiff hereby incorporates by reference paragraphs 1 through 56 of this Complaint and makes them part of this Second Cause of Action, as if fully set forth herein.

58. Ownership and operation of a bar is a business. When the operator of such a business violates the ULSAL, NAL, and/or PNL, such that a nuisance exists at the business's premises as alleged herein, it is also a violation of the UCL.

59. The leasing and/or renting of a property is also a business. When the operator of such a business violates the ULSAL, NAL, and/or PNL, such that a nuisance exists on the premises as alleged herein, it is also a violation of the UCL.

60. Each defendant has violated the UCL by conducting, maintaining, and/or permitting, directly or indirectly, a nuisance in violation of the ULSAL, NAL, and PNL at the Property, one of several properties owned by RICARDO and YESENIA CABALLERO.

61. Plaintiff has no adequate remedy at law, and unless defendants are restrained by this Court they will continue to commit unlawful business practices or acts, thereby causing

irreparable injury and harm to the public's welfare.

PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE, AND DECREE AS FOLLOWS:

AS TO THE FIRST CAUSE OF ACTION

62. That all defendants and the Property be declared in violation of California Penal Code 11200, *et seq.*

63. That the Property, together with the fixtures and moveable property therein and thereon, be found to constitute a public nuisance and be permanently abated as such in accordance with Section 11204 of the California Penal Code.

64. That the Court grant a permanent injunction and order of abatement in accordance with California Penal Code Section 11200, *et. seq.*, of the California Penal Code, enjoining and restraining all defendants and their agents, officers, employees and anyone acting on their behalf, from unlawfully selling, serving, or giving away alcohol and/or directly or indirectly maintaining or permitting such nuisance activity.

65. That the Court order physical and managerial improvements to the Property, and such orders as are otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement process, including but not limited to, termination of the tenancy of DE LA TORRE and anyone else residing at the Property during the existence of the nuisance, and a prohibition on DE LA TORRE being within 1,000 feet of the Property at any time, for any reason.

66. That defendants RICARDO and YESENIA CABALLERO, and any agents, trustees, officers, employees and anyone acting on their behalf, and their heirs and assignees, be perpetually enjoined from transferring, conveying, or encumbering any portion of the Property, for consideration or otherwise, without first obtaining the Court's prior approval.

67. That defendants RICARDO and YESENIA CABALLERO be ordered to immediately notify any transferees, purchasers, commercial lessees, or other successors in interest to the subject Property of the existence and application of any temporary restraining

order, preliminary injunction, or permanent injunction to all prospective transferees, purchasers, commercial lessees, or other successors in interest, *before* entering into any agreement to sell, lease or transfer the Property, for consideration or otherwise, all or any portion of the Property that is the subject of this action.

68. That defendants RICARDO and YESENIA CABALLERO be ordered to immediately give a complete, legible copy of any temporary restraining order and preliminary and permanent injunctions to all prospective transferees, purchasers, lessees, or other successors in interest to the Property.

69. That defendants RICARDO and YESENIA CABALLERO be ordered to immediately request and procure signatures from all prospective transferees, purchasers, lessees, or other successors in interest to the subject Property, which acknowledges his/her respective receipt of a complete, legible copy of any temporary restraining order, preliminary and permanent injunction, at least 30 days prior to the close of escrow, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Joseph L. Gonzalez or his designee.

70. That Plaintiff recover the costs of this action, including law enforcement investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed $1,000,000.00, from defendants.

71. That Plaintiff be granted such other and further relief as the Court deems just and proper.

AS TO THE SECOND CAUSE OF ACTION

72. That all defendants and the Property be declared in violation of Health and Safety Code section 11570, *et seq.*

73. That the Property, together with the fixtures and moveable property therein and thereon, be found to constitute a public nuisance and be permanently abated as such in accordance with Section 11581 of the California Health and Safety Code.

74. That the Court grant a preliminary injunction, permanent injunction, and order of abatement in accordance with Section 11570, *et. seq.*, of the California Health and Safety

Code, enjoining and restraining all defendants and their agents, officers, employees and anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled substances on the Property, and/or directly or indirectly maintaining or permitting such nuisance activity.

75. That the Court order physical and managerial improvements to the Property in accordance with California Health and Safety Code section 11573.5, and such orders as are otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement process, including but not limited to, termination of the tenancy of DE LA TORRE and anyone else residing at the Property during the existence of the nuisance, and a prohibition on DE LA TORRE being within 1,000 feet of the Property at any time, for any reason.

76. That as part of the Judgment, an Order of Abatement be issued, and that the Property be closed for a period of one year, not to be used for any purpose, and be under the control and custody of this Court for said period of time; or, in the alternative, if the Court deems such closure to be unduly harmful to the community, that defendants RICARDO and YESENIA CABALLERO pay an amount of damages equal to the fair market rental value of the Property for one year to the City or County in whose jurisdiction the nuisance is located in accordance with Health and Safety Code section 11581 subdivision (c)(1).

77. That each defendant be assessed a civil penalty in an amount not to exceed twenty-five thousand dollars ($25,000.00).

78. That defendants RICARDO and YESENIA CABALLERO, and any agents, trustees, officers, employees and anyone acting on their behalf, and their heirs and assignees, be perpetually enjoined from transferring, conveying, or encumbering any portion of the Property, for consideration or otherwise, without first obtaining the Court's prior approval.

79. That defendants RICARDO and YESENIA CABALLERO be ordered to immediately notify any transferees, purchasers, commercial lessees, or other successors in interest to the subject Property of the existence and application of any temporary restraining order, preliminary injunction, or permanent injunction to all prospective transferees, purchasers, commercial lessees, or other successors in interest, *before* entering into any agreement to sell, lease or transfer the Property, for consideration or otherwise, all or any

portion of the Property that is the subject of this action.

80. That defendants RICARDO and YESENIA CABALLERO be ordered to immediately give a complete, legible copy of any temporary restraining order and preliminary and permanent injunctions to all prospective transferees, purchasers, lessees, or other successors in interest to the Property.

81. That defendants RICARDO and YESENIA CABALLERO be ordered to immediately request and procure signatures from all prospective transferees, purchasers, lessees, or other successors in interest to the subject Property, which acknowledges his/her respective receipt of a complete, legible copy of any temporary restraining order, preliminary and permanent injunction, at least 30 days prior to the close of escrow, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Joseph L. Gonzalez or his designee.

82. That Plaintiff recover the costs of this action, including law enforcement investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed $1,000,000.00, from defendants.

83. That Plaintiff be granted such other and further relief as the Court deems just and proper.

AS TO THE THIRD CAUSE OF ACTION

84. That the Property, together with the fixtures and moveable property therein and thereon, be declared a public nuisance and be permanently abated as such in accordance with Civil Code section 3491.

85. That all defendants and their agents, officers, employees, and anyone acting on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from operating, conducting, using, occupying, or in any way permitting the use of the Property as a public nuisance.

86. That Plaintiff be awarded such costs as may occur in abating said nuisance at the Property and such other costs as the Court may deem just and proper.

87. That Plaintiff be granted such other and further relief as the Court deems just and

proper.

AS TO THE FOURTH CAUSE OF ACTION

88. That all defendants be declared in violation of Business and Professions Code section 17200.

89. That all defendants, as well as their agents, heirs, successors, and anyone acting on their behalf, be permanently enjoined from maintaining, conducting, or permitting any unlawful or unfair business acts or practices in violation of Business and Professions Code section 17200.

90. That the Court grant a preliminary and/or permanent injunction prohibiting all defendants, as well as their agents, heirs, successors, and anyone acting on their behalf, from engaging in the unlawful or unfair acts and/or practices described herein at the Property and in the City of Los Angeles.

91. That defendant DE LA TORRE be permanently enjoined from operating any business that serves alcohol to the public in the City of Los Angeles.

92. That, pursuant to Business and Professions Code section 17206, each defendant be assessed a civil penalty of $2,500 for each and every act of unfair competition. Since defendants have engaged in a continuing nuisance, each day constitutes an act of unfair competition, and defendants should be assessed a civil penalty not to exceed $3.65 million dollars.

93. That, pursuant to the Court's equitable power and Business and Professions Code section 17203, the Court make such orders or judgments, including appointment of a receiver, to eliminate the unfair competition alleged herein.

AS TO ALL CAUSES OF ACTION

94. That Plaintiff recover the amount of the filing fees and the amount of the fee for the service of process or notices which would have been paid but for Government Code section 6103.5, designating it as such. The fees may, at the Court's discretion, include the amount of the fees for certifying and preparing transcripts.

95. That Plaintiff be granted such other and further relief as the Court deems just and

proper.

DATED: November 18, 2019

Respectfully submitted,

MICHAEL N. FEUER, City Attorney
JONATHAN CRISTALL, Supervising Assistant City Attorney

By: _____
JOSEPH L. GONZALEZ, Deputy City Attorney
Attorneys for Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA